

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAVID A. DOWS ,	:	CIVIL ACTION
Plaintiff	:	
	:	
v.	:	NO. 04-341 Erie
	:	
KATHERINE E. HOLTZINGER	:	Judge McLaughlin
CONNER, ESQ., Chairmar	:	
PENNSYLVANIA CIVIL SERVICE	:	
COMMISSION and JOHN DOE ,	:	
Defendants	:	JURY TRIAL DEMANDED

Part Six, Deposition of Charlene Kolupski, pages one through fifty inclusive

1

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE WESTERN DISTRICT OF PENNSYLVANIA

3

4 DAVID A. DOWS,)
)
5 Plaintiff,)
) Civil Action
6 vs.) No. 2004-3412
) ERIE
7 KATHERINE E. HOLTZINGER CONNER,)
 ESQ. Chairman PENNSYLVANIA CIVIL)
8 SERVICE COMMISSION and JOHN DOE,)
)
9 Defendant.)

10

11 Deposition of CHARLENE KOLUPSKI

12 Friday, February 24, 2006

13

14 The deposition of CHARLENE KOLUPSKI, called as a
15 witness by the plaintiff, pursuant to notice and the
16 Federal Rules of Civil Procedure pertaining to the
17 taking of depositions, taken before me, the
18 undersigned, Eugene C. Forcier, Stenographer
 Commissioner in and for the Commonwealth of
 Pennsylvania, at the offices of the Office of Children
 and Youth of the County of Erie, 154 West Ninth
 Street, Erie, Pennsylvania 16501, commencing at 10:40
 o'clock A.m., the day and date above set forth.

20

21 COMPUTER-AIDED TRANSCRIPTION BY
 MORSE, GANTVERG & HODGE, INC.
22 ERIE, PENNSYLVANIA
 814-833-1799

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24

ORIGINAL

1 APPEARANCES:

2 On behalf of the Plaintiff:

3 William Taggert, Esquire
4 1400 Renaissance Centre
5 1001 State Street
6 Erie, Pennsylvania 16501

7 On behalf of the Defendant:

8 Linda S. Lloyd, Senior Deputy Attorney
9 General
10 Office of the Attorney General
11 Litigation Section
12 Strawberry Square
13 Harrisburg, Pennsylvania 17120

14 On behalf of the deponent:

15 Matthew McLaughlin, Assistant County
16 Solicitor
17 Room 114 Erie County Courthouse
18 140 West Sixth Street
19 Erie, Pennsylvania 16501

20 - - -

21 ALSO PRESENT:

22 David A. Dows
23 Patrice Berchtold

24 - - -

25 EXAMINATION BY: Mr. Taggert - Page 4, 87, 90
Ms. Lloyd - Page 84, 90

- - -

1 MR. TAGGERT: And, first on the record, we
2 want to get a couple of stipulations that
3 Attorney McLaughlin and I have discussed, and
4 Miss Lloyd is aware of.

5 And that is, number one, we are aware that
6 Attorney McLaughlin, who is appearing on behalf
7 of the two deponents, and the agency, but not on
8 behalf of the Civil Service Commission of the
9 state, is related to Judge McLaughlin, who is the
10 judge who has the case at hand, and we have no
11 objection to his appearing, even though
12 Judge McLaughlin is the judge assigned to the
13 case.

14 Number two, by way of stipulation, we
15 agree, which I think is acceptable to Miss Lloyd,
16 that all objections, except those as to form, are
17 waived at this particular time, and can be raised
18 later if appropriate.

19 MR. McLAUGHLIN: Are reserved.

20 MS. LLOYD: And I do agree to that, on
21 behalf of the Civil Service Commission.

22 - - -

23

24

25

1 CHARLENE KOLUPSKI

2 called as a witness by the plaintiff, having been
3 first duly sworn, as hereinafter certified, was
4 deposed and said as follows:

5 EXAMINATION

6 BY MR. TAGGERT:

7 Q Miss Kolupski, one, thank you for being
8 here today.

9 The way this works, is I ask questions, and
10 if you don't ask me to clarify them, I am assuming
11 that you understand them.

12 A Okay.

13 Q So if you don't understand them, don't
14 answer; instead, explain to me what's confusing you,
15 and I will work with you, until the question is one
16 you feel comfortable answering.

17 A Okay.

18 Q Okay?

19 If you need a break at any time today, just
20 let us know, it happens in all depositions, so it's no
21 big deal.

22 And, that having been said, and you having
23 been sworn, let's dive in.

24 A Okay.

25 Q You are currently an employee of the Office

1 of Children and Youth; is that correct?

2 A Correct.

3 Q And just to keep the record clear, is that
4 the current name of the agency?

5 A The Office of Children and Youth, yes, it
6 is.

7 Q And what is your current job title?

8 A Director of human resources, and clinical
9 services.

10 Q And for your purposes, what does it mean to
11 be the director of clinical services; what job duties
12 are involved there?

13 A I have responsibilities for two clinical
14 service units, within the organization, the truancy
15 unit, and the sexual abuse unit.

16 I'm the program director of those units. I
17 have a supervisor of each of those units, who report
18 to me, and five caseworkers in each of those units.

19 Q And you are also the director of human
20 resources?

21 A Correct.

22 Q Does that mean for the entire organization?

23 A The Office of Children and Youth, yes.

24 Q And when did you assume that position?

25 A I believe in about May of 2005. '4 or '5,

1 I really --

2 Q Just take a moment. Last year was 2005.

3 A Right. Right.

4 I would say 2004.

5 Q Who was your predecessor?

6 A Colleen Locke.

7 Q Is Miss Locke still with the agency?

8 A She is retired now.

9 Q And Miss Berchthold is here today. Is she
10 in your chain of command, since you are in charge of
11 human resources?

12 A Not directly.

13 Q Prior to the positions you currently hold,
14 what position did you have with the agency?

15 A I was the director of clinical services --
16 or, I'm sorry, ongoing services, and staff
17 development.

18 Q And would you explain the ongoing services
19 position?

20 A Again, I had clinical responsibility for
21 three clinical service -- direct service units.

22 In addition, had responsibility, and
23 continue to have responsibility for the staff
24 development program, within the organization, which
25 includes our student intern program.

1 Q And I believe you are aware that one of the
2 subjects of interest today will be the student intern
3 program?

4 A Correct.

5 Q And it is my understanding that that's one
6 of the reasons Attorney Micella thought that you might
7 be an eligible person to drop by today and talk about
8 that subject; is that correct?

9 A Correct.

10 Q Now, you may be aware, that for a while
11 Mr. Dows worked with the agency.

12 A Yes.

13 Q Are you aware of that?

14 A I am.

15 Q Did he work with you in any way?

16 A He was, for a brief period of time, in one
17 of the units that I supervised -- that I was
18 programmatically responsible for.

19 Q And do you recall the name of that unit, or
20 some way we can identify it?

21 A The supervisor of that unit would have been
22 Sue Deveney.

23 Q And in turn, Miss Deveney would have
24 answered to you at that time; correct?

25 A Yes, correct.

1 Q When did you begin having responsibilities
2 relative to the intern program?

3 A I have had responsibilities relative to the
4 student intern program probably for about 20 years.

5 Q A long time?

6 A Yes.

7 Q Okay.

8 Is that when you actually began with the
9 agency, about 20 years ago?

10 A I have been with the agency longer than
11 that.

12 Q When you arrived at the agency --

13 A Uh-huh.

14 Q -- was there already an intern program?

15 A I actually started at the agency as a
16 student intern.

17 Q Now, previously in this case we have had
18 some depositions down in Harrisburg, where we talked
19 to people at the Civil Service Commission, and I think
20 it's fair to say that it turned out that the Civil
21 Service Commission maintains a civil service list of
22 people who have taken an examination to be
23 caseworkers, of the type that would be hired in your
24 agency; is that right?

25 A Correct.

1 Q And just for the court reporter's sake,
2 remember, head shaking --

3 A Right.

4 Q -- is fine, but it always has to get to a
5 yes or no eventually.

6 And it turns out there is also an
7 additional list, and I am not indicating it is of
8 lesser or greater importance, but concurrently there
9 is a list of people who have not taken an examination,
10 but have filled out a detailed application, that is
11 then evaluated, and in those depositions we called it
12 various things, but one of them is we began to refer
13 to that as the intern list.

14 Are you aware the Civil Service Commission
15 has a list of interns available for possible hiring by
16 the county agencies, like OCY?

17 A I am aware that the Civil Service
18 Commission was a student intern list.

19 It is for hiring as a student intern. That
20 list is for hiring as a student intern.

21 Q Now, what do you know about how that list
22 comes to exist; what -- what happens, so that
23 particular -- now, the students to begin with, are
24 college students; is that right?

25 A Correct.

1 Q That we are referring to.

2 And our understanding, from the people at
3 the post in Harrisburg, is that they are typically
4 junior or senior year college students?

5 A Correct.

6 Q And is it required that the students be
7 majoring in social work, or related activity like
8 sociology?

9 A Yes, it is.

10 Q So, an English major can't just proceed and
11 get into the internship program?

12 A Correct.

13 Q Okay.

14 What mechanisms, that you know of, are used
15 to let students know about the existence of the
16 internship program?

17 A We have -- at the Office of Children and
18 Youth, for an extended period of time, had ongoing
19 relationships with the area colleges, who have social
20 work programs, and as a part of that, they know we are
21 one of the agencies locally that will accept student
22 interns here, for internships.

23 We meet with them periodically, to talk
24 about our expectations, first, the types of students
25 that we are looking for, what our expectations are, in

1 terms of our internships, because they generally are
2 different than the school's requirement.

3 And we mutually, I would say, have an
4 understanding of the type of student that we hope to
5 do an internship here.

6 There is a -- there are -- there are three
7 colleges, and/or universities, in Erie, that have
8 social work programs. Mercyhurst and Gannon have BSW
9 social work programs.

10 Edinboro University also has a BSW social
11 work program. They are a part of a contract, I
12 believe, is how I would refer to it, with the state,
13 referred to as the CWEB program. That is an acronym
14 for Child Welfare Baccalaureate -- let's see, C -- it
15 is Child Welfare Educational Baccalaureate program.

16 Q And everybody just calls it CWEB?

17 A CWEB.

18 Q For short?

19 A Yes.

20 So, while we bring all of the students in
21 in the same manner, and that they -- all of our
22 students are -- go through the same interview process,
23 have all of the same requirements, Edinboro, through
24 the CWEB program, does place some additional
25 requirements on their students.

1 They are required to do, prior to their
2 senior year, a 30 hour, what they refer to as a
3 prefield experience.

4 They then come into our, what we would call
5 internship program, as our Mercyhurst and Gannon
6 students would.

7 Since we are an organization that chooses
8 to use the civil service system, they are required,
9 all college students, to do 975 hours of internship.

10 Q So, that's in the nature of an all or
11 nothing requirement; if they are going to do the
12 internship, they are agreeing to do at least 975 hours
13 of work?

14 A At our office, yes. That is beyond the
15 school requirement.

16 With the Edinboro students, they have made
17 a commitment to work in child welfare for one year,
18 following graduation.

19 That is not necessarily in Erie County. It
20 is in Pennsylvania.

21 Q Now, in addition to the three colleges and
22 universities mentioned, do you have any other ongoing
23 relationship with any other colleges or universities
24 in Northwest Pennsylvania; Slippery Rock, or
25 Allegheny, or any other schools?

1 A Not ongoing relationships, no.

2 Q Now, under the CWEB program --

3 A Uh-huh.

4 Q -- are the interns paid for this time they
5 work?

6 A Not through the Office of Children and
7 Youth.

8 Q Where does the money come from; from CWEB
9 itself?

10 A It is a stipend from the state.

11 Q And does it actually pass through the CWEB
12 program?

13 In other words, if we are tracing the
14 money, would we go to CWEB's office, and their checks
15 go to these interns?

16 A I really am not able to speak about that
17 program, and its process.

18 Q Do you know where CWEB gets its funding,
19 for example, the Department of Public Welfare, the
20 Department of Education?

21 A I am not certain.

22 Q Are you aware of a contact person, either a
23 position, or a name, within CWEB?

24 A Yes.

25 Q And who is that, please?

1 A Dr. Ed Sites.

2 Q Would you spell Sites, please?

3 A S-i-t-e-s, I believe.

4 Q Just the way it sounds?

5 A Uh-huh.

6 Q And where does Dr. Sites work?

7 A University of Pittsburgh.

8 Q Now, the interns who wish to come to work
9 at OCY, in an intern capacity, how do they first
10 indicate their interest in doing that; do they -- do
11 they first contact you, or CWEB, or speak to maybe a
12 counselor in their own department in the university?

13 A They would speak to a professor, an advisor
14 through their program.

15 Q Are you aware of a name of a contact person
16 at any of these three schools, Mercyhurst, Gannon or
17 Edinboro?

18 A My contact people would be, at Mercyhurst,
19 Laura Lewis.

20 At Gannon, Charles Murphy.

21 And at Edinboro, either Donna Hixon,
22 H-i-x-o-n, or Allen -- I am forgetting his last name
23 at the moment.

24 Q Did these people, in each instance, work in
25 the social work department?

1 A Yes.

2 Q Of the particular schools.

3 So, would it be accurate that the majority
4 of the time, in your experience, the students have
5 first talked about these matters with their
6 professors, and these contact people that we have just
7 talked about?

8 A Yes.

9 Q And they are knowledgeable in the CWEB
10 program, and how it works, and what students should
11 do, if they want to try to move into an internship
12 situation?

13 A Yes.

14 Q As I understand it, what steps does the
15 proposed intern, that wishes to be an intern, have to
16 then take; what paperwork do they have to fill out,
17 who do they have to approach?

18 A At the school?

19 Q Well, let's start at the schools.

20 Do they fill out anything for the school,
21 or do they go directly to the civil service form?

22 A My understanding is that there is an
23 application for field, that they complete at the
24 educational institution.

25 Q Does that application, or a copy of it,

1 then go to the Office of Children and Youth?

2 A We request that as a part of the
3 information that we want to see from them, yes.

4 Q So, would it be correct that for each
5 proposed intern who wants to come to OCY Erie, that
6 there is a packet of materials that are completed by
7 the student, and possibly other people have to do
8 components, recommendations and so forth?

9 A Correct. Uh-huh. Yes.

10 Q And at some point, does all, or part of
11 that packet go to the Civil Service Commission?

12 A I really am not certain of whether that
13 gets to civil service, or if that's maintained in our
14 offices, and available to them, if necessary.

15 Q Now, in our discussions, the depositions
16 with some of the workers at Civil Service Commission,
17 it does seem that at some point the Commission
18 actually puts together lists of available interns.

19 A That's correct.

20 Q People who want to be?

21 A Uh-huh.

22 Q So, does it sound accurate to you, that at
23 least some portions of these packets make it to civil
24 service, so they can maintain these lists?

25 A Yes. They do need to complete a civil

1 service application, and specifically, I cannot tell
2 you what they are required to attach, but there are
3 things that they must attach to the civil service
4 application.

5 Q Now, was I correct earlier, when I
6 suggested, in a question, that mainly these are junior
7 and senior level college students completing these
8 packets?

9 A Yes. I believe civil service requires that
10 they must minimally be a junior, in their educational
11 program.

12 Q In your experience, do the majority of the
13 students try to time this in their education, so that
14 they are performing their internship in their senior
15 year?

16 A That is the requirement of the school. It
17 usually is the final part of their educational
18 experience.

19 So that that occurs generally at the
20 completion of their academic careers.

21 Usually, the final semester, or final year.

22 Q So, this activity, for the interns,
23 generally, not always, but falls in the second
24 semester, final semester of their senior year, if
25 possible? Is that right?

1 A Again, each school differs in how they
2 do -- how -- what their requirement is, for the field
3 experience.

4 Sometimes it's the last two semesters,
5 sometimes it's the last semester.

6 Mercyhurst is on a trimester system, not a
7 semester system, so I believe it's their final two
8 trimesters.

9 Q Now, among these three schools, at all of
10 them is the student in an internship program
11 concurrently still doing class work usually, or by
12 that time is the person pretty much working full time
13 as an intern in the agency?

14 A It varies from school to school.

15 Gannon students do what they refer to as a
16 concurrent field placement.

17 Meaning, that they are in the field a
18 certain number of hours a week, and in a classroom a
19 certain number of hours a week.

20 Mercyhurst does a combination. Their
21 second trimester they are in the field as well as in
22 the classroom, and in their final trimester they are
23 primarily in the field. They have a class, which is
24 referred to as senior seminar, which is related to
25 their field experiences.

1 With Edinboro, it is their final semester,
2 and it is, what we would refer to as a block field
3 experience, meaning that they are in the field
4 30 hours, approximately 30 hours a week, and then they
5 have what is referred to as a senior seminar, one
6 class. That again, is related to the field
7 experience.

8 Certainly, there are, you know, sometimes
9 exceptions, where a student may need to take an
10 additional class, but that's not the prescribed way
11 that the field is done.

12 Q In your experience, with these three
13 schools, are most of the students traditional
14 students, by which I mean, they are students who have
15 gone from high school, pretty much directly into
16 college, and have been going through college straight
17 through?

18 A The students that we take into our
19 internship?

20 Q Who wind up in these internship programs,
21 through these three colleges we have been talking
22 about?

23 A At our office?

24 Q Yes.

25 A I would say that it is probably 50/50

1 combination of traditional and nontraditional
2 students, here at the Office of Children and Youth.

3 Q And would it be fair to say that the
4 nontraditional people can be highly individualized, in
5 their stories?

6 A Yes.

7 Q Different ages, different prior
8 backgrounds, and so forth?

9 A Uh-huh. Absolutely.

10 Q Now, what is the relationship, if any,
11 between people progressing through the internship
12 system successfully, completing all of their hours and
13 presumably meeting the minimal or better requirements,
14 and their then being hired by the agency?

15 A I'm sorry, can you ask me again?

16 Q Sure.

17 If a given student carries out all of the
18 hours, performs adequately, and wishes at the end of
19 all of that to work for OCY, is the individual
20 guaranteed a job, probably going to receive the job,
21 what are the possibilities of that individual then
22 moving into a caseworker 1 position, from the
23 internship?

24 A An intern is never guaranteed a position
25 here within the agency.

1 Q In your experience, of those people who
2 successfully complete their internship, and desire to
3 work for OCY as a caseworker, do the great majority of
4 them in fact obtain positions with OCY?

5 A Upon successful completion of an
6 internship, an interview process, yes, a high number
7 of our interns are hired into caseworker 2 positions.

8 Q And, at very roughly, in other words, I
9 want you to feel comfortable with your answer, don't
10 try to come up with precision, when you say a high
11 number, would you say, you know, it is 50 percent,
12 75 percent; what percentage of people who have
13 completed their requirements, and interviewed
14 successfully, then seem to be hired as OCY
15 caseworkers?

16 A Certainly more than 50 percent.

17 Q Now, you mentioned that they are hired as
18 caseworker 2's.

19 A Yes.

20 Q Is there also a category called
21 caseworker 1?

22 A Yes, there is.

23 Q Why -- since they have been, quote, just
24 interns, and if that's fair to interns but, you know,
25 from a lay, outsider's viewpoint --

1 A Sure.

2 Q -- why is it that they begin as
3 caseworker 2's as opposed to caseworker 1's?

4 A I don't know that I can answer that
5 question in great depth, other than to say that as
6 a -- the Civil Service Commission says, that once they
7 have completed their internship successfully, they are
8 to be promoted to the status of caseworker 2.

9 Q So if we use a hypothetical graduating
10 senior --

11 A Uh-huh.

12 Q -- who has done all of the right things in
13 the training program --

14 A Uh-huh.

15 Q -- interviewed well, seems to have the
16 right attitude for the job --

17 A Uh-huh.

18 Q -- and that person were hired, that
19 individual's first pay grade, with OCY, as before they
20 have been paid under this other program, would be as a
21 caseworker 2?

22 A That's correct.

23 Q Is that correct?

24 Do caseworker 2's make more money than
25 caseworker 1's, per hour, per --

1 A Starting salary, yes, uh-huh.

2 Q Now, once an individual is a caseworker 2,
3 is he or she being paid out of the same funds as the
4 caseworker 1's? In other words, the money all comes
5 from the same place?

6 A I really do not deal with the fiscal end of
7 business here.

8 But, generally speaking, I would say yes.

9 Q Now, there is also the so-called merit
10 testing, to be a caseworker; is that right?

11 A Uh-huh.

12 Q And that system is run by the civil service
13 authorities, the Commission; is that right?

14 A Yes.

15 Q Okay.

16 Have you had occasion to hire people who
17 came off of that list?

18 A Yes, I have.

19 Q How is the decision made, here at OCY, over
20 the past couple of years, to ask for the merit list,
21 in order to hire from it? You know, you have your
22 interns, that you hope to hire some people from?

23 A Uh-huh.

24 Q And then, when does the agency decide, and
25 what standards are used, to ask the Commission for the

1 merit list?

2 A I would say it depends on a number of
3 factors.

4 Q Okay.

5 A It certainly depends on the number of
6 openings, vacancies, we have to fill.

7 It depends on the number of student interns
8 that we believe would be appropriate to fill
9 vacancies.

10 If we have vacancies, and students that
11 have met the grade, and are capable of doing the work,
12 they will be hired.

13 If we have additional vacancies, we will
14 request the civil service list.

15 If we have students who are available for
16 hire, and we do not feel have met the grade, we will
17 not hire them, and we will request the civil service
18 list.

19 Q I want to make sure I am assimilating the
20 information correctly, from you, so I am trying to
21 check off with you.

22 A Uh-huh.

23 Q Does OCY begin with looking for a given
24 number of slots, you know, that you will need, for
25 example, 20 caseworkers at a given time frame, and is

1 your first hope that you will be able to fill these
2 positions out of qualified people from the trainee
3 program, from the intern program?

4 A I'm not totally understanding your
5 question.

6 Q Okay.

7 I sense that you are saying there was a
8 preference to first hire the trainees, if they met all
9 of the requirements.

10 MR. McLAUGHLIN: Objection to the question.

11 You may answer.

12 MR. TAGGERT: I will withdraw that.

13 BY MR. TAGGERT:

14 Q What standards does the agency look at,
15 deciding whether to look first to fill a position out
16 of the trainee, or intern group, as opposed to looking
17 to the civil service merit list?

18 A If we have student interns who have
19 performed well in their placement, and we believe they
20 are capable of doing the job, and we have a vacancy,
21 we will interview our students, and if they meet our
22 criteria, they will be hired.

23 Q And then, if there were still slots
24 remaining, that you needed to fill, what steps would
25 you take?

1 A We would then request a civil service list.

2 Q What are the reasons that the agency would
3 look first to the trainee intern group, and then
4 secondarily, to the civil service list group?

5 A The civil service student intern
6 classification was created by civil service to recruit
7 and retain qualified staff in child welfare, and
8 mental health service; for our purposes, child
9 welfare.

10 That is the intent of the classification.

11 It gives the agency -- and I believe they
12 speak of this in their bulletins, it gives the agency
13 the opportunity to see if these individuals are
14 capable of doing the work, and it gives the individual
15 the opportunity to determine if this is the type of
16 work they would like to do.

17 So that we have some experience with these
18 individuals, some knowledge, and some sense of whether
19 or not they can perform the job.

20 Additionally, we have had them for
21 975 hours, they have knowledge and experience of the
22 agency, knowledge and experience of the type of
23 services that need to be provided, the client
24 population, et cetera.

25 And they have actually been in a 975 hour

1 training period.

2 So that once they would be hired, they
3 would be able to assume more responsibilities, more
4 quickly, than someone that has not been a part of the
5 organization for the last six-month period of time,
6 and has not had that education, training, and
7 on-the-job experience, and that is the intent of the
8 program.

9 Q If an individual, in this example, had
10 taken the civil service exam, and had the requisite
11 prior college training, had been a sociology, or
12 social work major, that sort of thing, is there a
13 track or option for someone like that to enter into
14 the training program?

15 A The student intern program?

16 Q Yes.

17 A Not to my knowledge.

18 Q So, you haven't encountered an example of
19 that happening?

20 A Correct.

21 Q On a practical level, the people who start
22 out as caseworker 1's, are being paid slightly less
23 than the caseworker 2's; is that right?

24 A Right.

25 Q And the caseworker 1's would typically be

1 the people who come off the civil service merit list?

2 A Not normally. We normally hire, if we go
3 to a list, we normally hire off of the caseworker 2
4 list.

5 Q So, even under the competitive exam list,
6 there is caseworker 1 list, and caseworker 2 list?

7 A That's correct.

8 Q And your preference is to go, if possible,
9 to the caseworker 2 list?

10 A Correct.

11 Q Is that right?

12 What is your understanding about the
13 differences in how those two lists are put together,
14 so that you have a preference for the caseworker 2
15 list?

16 A There is a difference in terms of
17 knowledge, experience and education between the
18 caseworker 1 and the caseworker 2 list.

19 The caseworker 2 list requires generally a
20 social work degree. If not a social work degree, it
21 requires a degree of related field, with some
22 experience.

23 And so, our preference to hire from that
24 list, would be that we would have -- we would be
25 hiring people with the type of degree that fits the

1 organizational need, or has had some work in the
2 social work field, not child -- necessarily child
3 welfare.

4 And, so, they would have some experience,
5 not necessarily child welfare experience.

6 Q So, would it be the case in your
7 experience, that sometimes people who are on the civil
8 service merit list, through their professional
9 experiences, may have experience that makes them as
10 likely to succeed, as the interns that you have had?

11 A I really don't --

12 MR. McLAUGHLIN: Objection to the form of
13 the question.

14 A -- know that I can answer that question.

15 Q Have there been times where you have hired
16 off the civil service list, before turning to the
17 interns, to see if there are enough people to fill
18 your available positions?

19 A Not to my recollection.

20 Q What rate of pay do the student interns
21 receive, for their time, their work?

22 A Again, that would vary.

23 Q Oh, it's different, with --

24 A Well, again, we do not pay Edinboro
25 students, who are part of the CWEB program.

1 Q Now, they are still paid, but they are paid
2 by CWEB?

3 A They are not paid. They receive an
4 academic stipend. Like a fellowship, or an
5 assistantship.

6 More like a fellowship, I guess, or a
7 scholarship, I guess, is more what I would refer to
8 that.

9 It is not a payment, that they receive.

10 Q So that I understand it correctly, I am
11 just trying to check off with you --

12 A Uh-huh.

13 Q -- the Edinboro students would receive some
14 flat sum of money?

15 A Correct.

16 Q Whatever the school chooses to call it, it
17 would be a one fixed amount, for all of their work?

18 A Uh-huh.

19 Q But that would still come through
20 CWEB? That would still pass from that, coming through
21 that funding stream?

22 A That comes from the contract, yes.

23 Q While Mercyhurst and Gannon use an hourly
24 payment rate?

25 A Correct.

1 Q And as to those two schools, how much do
2 they pay per hour?

3 A Currently, it is \$9 an hour.

4 Q When individuals are functioning as
5 interns, do they have any fringe benefits of any kind?

6 A No.

7 Q Healthcare, anything like that?

8 A No.

9 Q And did they have -- if they are not
10 accepted for a position, do they have any sort of
11 internal appeal process, you know, within either OCY,
12 or their individual college, to challenge that?

13 A Not that I am aware of.

14 Q So you have never seen an example of that?

15 A Nope.

16 Q Now, if an individual has completed the
17 training process you have described today, and then
18 been hired to be a caseworker 2 --

19 A Uh-huh.

20 Q -- does that same individual go into a
21 probationary status, as a caseworker 2?

22 A Not upon successful completion of the
23 student intern program. They are promoted to
24 caseworker 2 per civil service regulations, with
25 permanent status.

1 Q From the beginning?

2 A Because their internship is considered, for
3 all intents and purposes, their probationary status.

4 Q Got it.

5 Now, if individuals are hired off the civil
6 service list, and begin as a caseworker 2, those
7 individuals would be subject to a probationary period?

8 A Correct.

9 Q And how long would that period be?

10 A For the caseworker 2, it would be six
11 months.

12 Q During that period, are the caseworker 2's
13 paid a lesser sum, because they are on probation, and
14 then when they succeed, and go off probation, will
15 they receive a raise?

16 A I do not believe so.

17 Q And what's your understanding, in this
18 context, for caseworker 2's, off the civil service
19 list, of the meaning of being on probation?

20 For just suggestively, does it mean they
21 can be fired without any hearing, or for any cause;
22 what is your understanding of the caseworker 2's being
23 on probation?

24 A My understanding is that certainly we would
25 have to have some reason to believe that they wouldn't

1 be making the grade, wouldn't be able to do the work
2 but, yes, that they could be terminated in that period
3 of time.

4 Q Have you ever had occasion to ask the Civil
5 Service Commission to remove somebody from the civil
6 service list?

7 A Myself, personally?

8 Q First, you, personally?

9 A No.

10 Q Have you been aware of situations, say in
11 the last five years, where OCY requested a person or
12 persons be removed from civil service lists?

13 A Yes.

14 Q And what names come to mind?

15 A Mr. Dows.

16 Q Do any other names come to mind?

17 A No.

18 Q Did you initiate that effort to remove
19 Mr. Dows from the civil service list?

20 A Did I?

21 Q Yes.

22 A As an individual?

23 Q Yes.

24 A No.

25 Q Do you know who the moving party was,

1 within OCY, to request to the Civil Service Commission
2 that Mr. Dows be removed from the civil service list?

3 A I don't know specifically.

4 Q Do you know certain names and you are
5 confident that one or more of those people was
6 involved?

7 A Normally, that type of action would stem
8 from the executive director of the organization.

9 Q In 2004, who was the executive director?

10 A Debbie Liebel.

11 Q Is Miss Liebel no longer with the
12 organization?

13 A She is no longer employed here, correct.

14 Q And do you know where she is employed now?

15 A No, I do not.

16 Q Do you know if she resides in Erie County?

17 A I believe she does.

18 Q Were you asked to participate, in any way,
19 in the request to the Civil Service Commission to
20 remove Mr. Dows from the civil service list?

21 MR. McLAUGHLIN: I am going to object to
22 this line of questioning, and I will just put a
23 continuing objection, so I don't interrupt you on
24 a regular basis.

25 But my understanding is that OCY's alleged

1 involvement, in asking -- or requesting Mr. Dows
2 be removed from the civil service list, there has
3 been a settlement on that issue. They have paid
4 moneys, and a release has been executed by the
5 parties, and in terms of the lawsuit against the
6 Civil Service Commission, I'm having a tough time
7 understanding how OCY's involvement, or alleged
8 involvement in asking that Mr. Dows be removed
9 from the list, is in any way, shape or form
10 relevant to this litigation.

11 But I will put a continuing objection on
12 the record, to that line of questioning, allow
13 her to answer, just so we have an understanding
14 that the objection has been preserved, and not
15 waived.

16 MR. TAGGERT: And as a point of
17 information, just as I have been laboring with
18 these materials longer than you have, there are
19 two fairly distinct clusters of events, and one
20 of them led to the settlement that you mentioned
21 a moment ago, and then prior in time there had
22 been, under civil service regulations, a request
23 from OCY to remove Mr. Dows, that was objected to
24 by Mr. Dows, and eventually, as part of other
25 proceedings, but Mr. Dows wasn't lost in the

1 shuffle, the Commission declined to remove him,
2 and in fact, ordered that he be hired.

3 And that was the cluster of events, prior
4 to the one that occurred later, and was settled.

5 But I understand that your objection is
6 continuing.

7 BY MR. TAGGERT:

8 Q In the request, that -- to the Commission,
9 that Mr. Dows was to be removed, were you asked to
10 provide any input to that decision; you know, were you
11 asked for your opinion, or facts, or -- to do anything
12 to support that request?

13 A I don't remember anything specifically.

14 Q And later, there was a hearing that
15 involved a number of issues, but one of them was that
16 request, it was held in Pittsburgh, Pennsylvania. Did
17 you appear at that hearing, or testify at that
18 hearing?

19 A No, I did not.

20 Q If an individual has become a caseworker 2,
21 because he or she has come through the internship
22 system successfully, and then you later decide the
23 individual's work is not successful, what -- and you
24 are not able -- the individual isn't able to fix it,
25 after guidance, and after counseling, and so forth --

1 A Uh-huh.

2 Q -- what steps do you have to do, to remove
3 a caseworker 2, for poor performance?

4 A Again, I'm not exactly certain what it is
5 that you are asking me.

6 Q Well, you may recall that earlier I learned
7 from you that when an individual has been a successful
8 intern --

9 A Uh-huh.

10 Q -- and is hired as a caseworker 2, he or
11 she is deemed to have already been through the
12 probationary period?

13 A Uh-huh.

14 Q There is no ongoing probation?

15 A Uh-huh.

16 Q So if you, or other supervisors, then
17 become dissatisfied with that individual's work, and
18 after counseling, and whatever other positive
19 interventions there are, the person's work does not
20 improve adequately, what does OCY have to do,
21 procedurally, to try to remove that individual, if he
22 or she won't leave voluntarily?

23 A Well, we could terminate their employment.

24 I --

25 Q And it would then be subject to whatever

1 rights that person might have, under the civil service
2 rules?

3 A Civil service, or we do have a collective
4 bargaining unit, that our caseworkers belong to, and
5 so they would have a grievance procedure, either
6 through civil service, or through the collective
7 bargaining unit.

8 Q Now, when the people are serving as
9 interns, they are not considered part of the
10 collective bargaining unit; is that right?

11 A Correct.

12 Q And then they are, once they become
13 caseworker 2's?

14 A Yes.

15 Q And when people are hired off the civil
16 service list, they begin in a probationary status; is
17 that right?

18 A Correct.

19 Q And in that status, is it correct that they
20 are considered members of the union, but don't have
21 access to the grievance process until the probationary
22 period is over?

23 A I don't believe that's correct.

24 Q So, a caseworker 1, as you understand it,
25 can grieve any grievable topic --

1 A Uh-huh.

2 Q -- once he or she is employed?

3 A Yes.

4 Q And that could include disciplines, and/or
5 termination?

6 A Correct.

7 Q Even before the termination -- even before
8 the probationary period is expired?

9 A I believe that's correct.

10 Q Okay. Now, you mentioned you personally
11 were an intern, once upon a time?

12 A Yes.

13 Q Do you know, was the funding source the
14 same back then?

15 A No, there was not -- there was no funding
16 source. The Office of Children and Youth has a long
17 history of taking student interns, as most
18 organizations, most social work organizations do.

19 I was an unpaid intern.

20 Q The less desirable form, from a student's
21 viewpoint?

22 A There was no program to pay student
23 interns.

24 But it was always the intent of the
25 organization, again, to train those individuals, and

1 to hire them, if possible, through appropriate civil
2 service means.

3 Q And when interns weren't paid, at the end
4 of the internship, if it was successful, back then,
5 did they become caseworker 2's?

6 A At the time that I completed my internship,
7 there were different civil service classifications.

8 Again, you would -- because there was no
9 intern program through civil service, whether you did
10 an internship or not, you had to take the civil
11 service test.

12 I believe it was in 1988, that the Civil
13 Service Commission created the student intern
14 classification.

15 Q Do you know what caused the change at that
16 point in 1988, in the development of the paid program?

17 A The -- again, I can give you my opinion.

18 I don't know factual.

19 I mean --

20 Q What's your opinion, as to why that
21 happened?

22 A My opinion is, and again, as -- I have
23 worked through the system, child welfare has a high
24 turnover rate, often times it is difficult to get
25 qualified people who want to work in the field, and so

1 it was an attempt on the part of civil service to
2 assist county agencies in recruitment, and retention,
3 and I do believe their bulletin speaks to that piece
4 of it.

5 And, that it sometimes, what would
6 happen -- well, what would happen prior to the civil
7 service classification, if an individual completed an
8 internship, they would have to do a -- they would have
9 to take the civil service test.

10 And, there, I believe, that there could
11 have been times when they, the agencies -- and I am
12 not -- I am talking generally, in Pennsylvania -- had
13 interns that they wanted to hire, and because of
14 numbers of people on the list, et cetera, and numbers
15 of vacancies, they may not have been able to hire
16 those people.

17 Q So if I understand correctly, it is your
18 belief that approximately prior to 1988, you are not
19 guaranteeing that date, that there was some time where
20 students would complete an internship, but then have
21 to take a competitive merit style civil service
22 test --

23 A Correct.

24 Q -- and actually sit for an exam, just like
25 everybody else, and fill it out?

1 A Correct.

2 Q And did you know, did those students have
3 the benefit, if applicable, of a veterans preference?

4 A Yes.

5 Q And, so, the employers -- and the proposed
6 employers would be OCY's, and mental health agencies,
7 and area agencies on aging?

8 A Yes.

9 Q -- could then face the problem that their
10 interns may not have been under the Rule of 3, as they
11 call it, available to be hired?

12 A That occurs on our student intern list
13 currently. I mean, we have to follow those civil
14 service rules, to bring the student into our program,
15 from that civil service list.

16 We have to follow, you know, the Rule of 3,
17 the veterans preference, et cetera, when we are
18 bringing interns in.

19 Q Right.

20 Even on the student intern list?

21 A On the student intern list.

22 So those criteria apply to the students at
23 some point in time.

24 Q But at least all of the people on your
25 current version of the student service list, have been

1 through the kind of training program we have been
2 discussing today?

3 A We have had students that have appeared on
4 our list, that we have had to interview, because we
5 have not had knowledge of them through colleges,
6 through the particular contact people at the colleges
7 and universities.

8 Q Can you give me -- just because I am trying
9 to conceptualize that.

10 A Uh-huh.

11 Q Can you give me an example, no name
12 required --

13 A Uh-huh.

14 Q -- let's say, Mr. or Miss X went through
15 the program, but somehow there wasn't enough knowledge
16 of what the person was like, or what their work was
17 like; in other words, what piece of the puzzle is
18 missing for you?

19 A I don't believe that's what I am saying.

20 Q I am trying to understand you.

21 A What I am saying is that while we do
22 recruitment with the schools, there are individuals
23 who become aware of the student intern classification,
24 through civil service postings, perhaps through their
25 academic program, they actually do the paperwork,

1 apply to get on the student intern list.

2 When we request the list, their name
3 appears. We need to interview those individuals, as a
4 part of the process.

5 Q So, if -- and, for example, in earlier
6 depositions, Bloomsburg State was mentioned as a
7 school that had a strong social work program. If
8 students originated from other locations, you might
9 have less data about them and, therefore, you would
10 feel the need to personally interview them, if they
11 had come up on the intern list?

12 A We interview all of our students, prior to
13 bringing --

14 Q No matter where they came from?

15 A That's correct.

16 And we have to interview all students that
17 would show up on an interview list -- on a civil
18 service list, and we would have to follow the civil
19 service rules.

20 Q On the intern civil service list, are you
21 allowed to give any preference to people who have
22 attended these local schools --

23 A No.

24 Q -- where you have a strong relationship?

25 A Not to our knowledge.

1 We are required to follow the civil service
2 rules, the Rule of 3, the veterans preference,
3 et cetera.

4 Q Are you allowed to give any preference to
5 the people actually living, the interns actually
6 living in Erie County, and does that get them hired
7 ahead of people from Bucks County, or something?

8 A If they want to do an internship here, we
9 have to follow the civil service rules.

10 Q Period?

11 A There is no -- correct.

12 Q Do you find that, is it fairly rare to have
13 people applying from out of the region, for the intern
14 program?

15 A To show up on our civil service list?

16 Q On the intern civil service list?

17 A Well, again, we request a list.

18 I mean, generally, lists come from people
19 who want to be employed in Erie County.

20 So, if there would be someone -- has it
21 happened that we have received other counties? No.
22 But we have received other students, and we have hired
23 them as student interns, that we did not have a prior
24 knowledge of.

25 Q Now, your experience, as you said, goes

1 back to a time when even people who have taken the
2 intern -- gone through an internship successfully,
3 still had to sit for the competitive exam?

4 A Uh-huh.

5 Q Is that right?

6 And did you personally have that
7 experience?

8 A Yes, I did.

9 Q Did you sit for the exam?

10 Looking at it, as professionally, and as a
11 manager, what did you see as the drawbacks of that
12 system?

13 In other words, do you see any negative
14 aspects of having the interns actually take the
15 competitive exam?

16 MR. McLAUGHLIN: Object to the form of the
17 question.

18 BY MR. TAGGERT:

19 Q In your experience, have you observed any
20 problems in having interns take the competitive exam?

21 A I don't know that any examination gives you
22 information as to whether or not someone can work in
23 child welfare, and so I guess that would be the
24 negative aspect.

25 Q Have you ever been involved, in any way, in

1 helping develop, or shape, or critique the civil
2 service exam for caseworkers?

3 A I have not.

4 Q Have you ever been informed by the Civil
5 Service Commission what standards they look for, and
6 what they are trying to do, in putting together the
7 civil service exam for caseworkers?

8 A Minimally.

9 Q And how did you learn about that?

10 A Basically, through their requirements of
11 the criteria for hire.

12 I know that the Civil Service Commission is
13 trying to make some changes to accommodate the needs
14 of local agencies.

15 And again, I can only speak of child
16 welfare, because I think that there have been concerns
17 about the individuals that have taken the civil
18 service exam, and not fit into the field.

19 And I speak of that more from other
20 counties' experience.

21 Or they do not have individuals available
22 on a civil service list, that are interested in
23 working in their counties.

24 And so, that the Civil Service Commission
25 has, to my knowledge, been trying to address those

1 issues with the counties.

2 Q If you know, are there proposed changes
3 pending in the civil service test, for caseworker?

4 A I believe that I just received an e-mail,
5 within the last month, that they are looking at
6 changing the questions of the civil service test for
7 caseworker, and have requested input -- have requested
8 input from the counties.

9 MR. McLAUGHLIN: Off the record for just
10 one moment.

11 (Discussion off the record.)

12 (Recess taken.)

13 BY MR. TAGGERT:

14 Q We are back after a little break.

15 A Uh-huh.

16 Q Question: Have you ever had occasion to
17 suggest to interns, for caseworker positions, that
18 additionally they take the competitive civil service
19 exam, you know, as a way of having another way they
20 might get to their goal?

21 A I do believe there have been times when we
22 have done that.

23 Q Now, would it be correct, in terms of
24 comparing and contrasting people who come in through
25 the intern program, as opposed to coming off the

1 competitive civil service list, that with the civil
2 service list people, the competitive exam list, the --
3 your agency then still needs to put them through
4 various formal training components; is that right?

5 A Coming off of the civil service list?

6 Q Correct.

7 A Yes.

8 Q And these are provided at OCY's expense; in
9 other words, whatever trainings are provided --

10 A Correct.

11 Q -- are paid for?

12 And, it's my understanding, just from
13 hearing the -- the stories, and doing the case, that
14 the OCY employees may have to go off-site, to Warren,
15 or Franklin, or Meadville, or whatever, for some of
16 the components of their training, that they may --

17 A The state training program, correct.

18 Q Now, when these employees go to the state
19 training programs, is the state paying all of the
20 costs of the programs, so that your agency doesn't
21 have to pay toward the tuition, or fees, to attend the
22 program?

23 A They pay for the delivery of the training.

24 Q Okay. The actual trainers, and the rental
25 of the location where they are teaching?

1 A Correct.

2 Q But OCY has to pay for travel?

3 A Travel.

4 Q And if there are overnight needs

5 A Correct.

6 Q Then there could be food or lodging issues

7 as well?

8 A Uh-huh.

9 Q Plus you are actually paying the person by

10 the hour --

11 A Correct.

12 Q -- to be at the training?

13 A Correct.

14 Q So would it be fair to say, that for some

15 period, after a caseworker off the civil service

16 competitive list starts, he or she has a portion of

17 time used up with this in-house education, that's

18 necessary?

19 A Some of it is in-house, some of it is

20 delivered by the state, correct.

21 Q And, is there a rough hour figure, that

22 goes with that; you know, so many hours, or hundreds

23 of hours of training are to be provided to a new

24 caseworker?

25 A The state program current -- well -- well,